

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

EARL PARRIS, JR., etc.,

Plaintiff,

v.

3M COMPANY, et al.,

Defendants.

Civil Action No.:  
4:21-cv-00040-TWT

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**MOTION TO CERTIFY QUESTIONS TO THE  
GEORGIA SUPREME COURT OR FOR INTERLOCUTORY APPEAL  
BY DAIKIN AMERICA, INC.**

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Daikin America, Inc. (“DAI”) respectfully moves this Court to certify two questions of state law to the Georgia Supreme Court under Ga. Code Ann. § 15-2-9(a):

1. Does a manufacturer owe a common-law duty to unknown third parties to protect them from another entity’s negligent disposal of the manufacturer’s product?
2. Can a manufacturer be liable for an alleged nuisance caused by the manufacturer’s product that occurs only *after* the sale of the product?

In the alternative, DAI moves the Court to certify its order denying DAI's motion to dismiss (Doc. 136) for interlocutory appeal under 28 U.S.C. § 1292(b).

As required by Local Rule 7.1(A)(1), this Motion is "accompanied by a memorandum of law which cites supporting authority."

Dated: April 27, 2022

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Respectfully submitted,

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1C of the Northern District of Georgia, using 14-point Times New Roman font, as approved by the Court.

/s/ Theodore M. Grossman

Theodore M. Grossman, *Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I certify that on April 27, 2022, I served the foregoing on all parties by filing on CM/ECF.

*/s/ Theodore M. Grossman*

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Theodore M. Grossman, *Pro Hac Vice*

*Counsel for Defendant*

*Daikin America, Inc.*